

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Charles C.

Case No. 22-cv-2054 (JWB/DJF)

Plaintiff,

v.

ORDER

Kilolo Kijakazi,
Acting Commissioner of Social Security,

Defendant.

This matter is before the Court on Plaintiff's Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act U.S.C. 28 § 2412(D) (EAJA) ("Motion") (ECF No. 33), and the parties' joint Stipulation for Allowance of Fees and Costs Under U.S.C. 28 § 2412 ("Joint Stipulation") (ECF No. 37). Plaintiff initially sought an award of attorney's fees in the amount of \$9,961.52, and expenses and costs in the amount of \$502 to be paid directly to Plaintiff's attorney. (ECF No. 33.) The parties subsequently stipulated to an attorney's fees award of \$8,000 and a costs award of \$402. (ECF No. 37.) Based on the Joint Stipulation and for good cause shown, the Court **DENIES** Plaintiff's Motion as moot (ECF No. [33]), and approves the Joint Stipulation as follows:

1. Plaintiff is awarded \$8,000.00 for reasonable attorney's fees under the EAJA.

Plaintiff is also awarded \$402.00 in costs, which are payable by the Department of Justice.

2. In accordance with the EAJA and *Astrue v. Ratliff*, 560 U.S. 586 (2010), the EAJA fee award is payable to Plaintiff as the litigant and subject to offset to satisfy any preexisting debts that the litigant may owe to the United States.

3. The Commissioner recognizes that Plaintiff assigned his right to EAJA fees to his

attorney. If, after receiving the Court's EAJA fees order, the Commissioner: (1) determines that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program; and (2) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney, **Konoski & Partners, P.C.** However, if there is a debt owed under the Treasury Offset Program, any remaining EAJA fees after offset will be paid by check made out to Plaintiff.

4. Any checks issued for payment shall be delivered to Plaintiff's attorney at **Konoski & Partners, P.C., 180 Tices Lane, Suite 103, Bldg. B, East Brunswick, NJ, 08816.**

IT IS SO ORDERED.

Dated: August 30, 2023

s/Dulce J. Foster

DULCE J. FOSTER

United States Magistrate Judge